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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/616,511

07/10/2003

Bernd Misselwitz

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EXAMINER

JONES, DAMERON LEVEST

ART UNIT

PAPER NUMBER

1618

MAIL DATE

DELIVERY MODE

06/01/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/616,511

Applicant(s)

MISSELWITZ ET AL.

Examiner

D. L. Jones

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1618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 1/11/07.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-50 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-7, 12-25, 28 and 30-50 is/are allowed.
- 6) ☒ Claim(s) 8-11, 26, 27 and 29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

ACKNOWLEDGMENTS

1. The Examiner acknowledges receipt of the amendment filed 1/11/07 wherein claims 1-4, 11, 21, 29, and 44 are amended.

Note: Claims 1-50 are pending.

RESPONSE TO APPLICANT'S ARGUMENTS

2. Applicant's arguments/amendment filed 1/11/07 to the rejection of the claims under 35 USC 101, 112, 103, and/or double patenting are deemed persuasive.

Therefore, all outstanding rejections are withdrawn for reasons of record in Applicant's response.

Note: It should be noted that the following terms were reviewed a standard medical dictionary (e.g., The Harper Collins Illustrated Medical Dictionary by Dox et al, 1993). The terms thrombi, plaque, infarcted tissue, and necrotic tissue are non-obvious over one another.

Thrombi: plural of thrombus.

Thrombus: a blood clot, usually one located at the point of its formation, in a blood vessel or a chamber of the heart.

Plaque: a small flat growth.

Atherosclerotic/Arteriosclerotic plaque: a deposit of cholesterol on the internal surface of the blood vessel.

Infarcted tissue: an area of necrosis in a tissue caused by obstruction in the artery supplying the area.

Necrotic tissue: relating to dead tissue.

Necrosis: Death of tissue within a circumscribe area.

NEW GROUNDS OF REJECTION

112 First Paragraph Rejection (Written Description and New Matter)

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 8-11 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The formula, R^F-L-K (see claim 8) contains the variable 'L' which contains the variable 'u' which has not been defined in the claims are in the specification. Review of the specification does not set forth the formula R^F-L-K being claimed by Applicant.

112 Second Paragraph Rejection

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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6. Claims 8-11, 26, 27, and 29 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 8-11: The claims are ambiguous because independent the variable 'u' in the definition of 'L' has not been defined in independent claim 8, lines 10-11. The variable was examined as $u = 1$.

Claim 26: The claim as written is ambiguous because the phrase 'wherein phenylene group 1,4, or 1,3 is linked' is confusing. Did Applicant intend to insert 'to' after 'linked'. Applicant is respectfully requested to review the claim for clarity of the definitions of the variable 'L¹'.

Claim 27, line 6: Did Applicant intends to delete 'Example 10'? If Applicant did not intend to delete 'Example 10', the claim is ambiguous because there is no Example 10.

Claim 29, line 12, should 'decafluor0' be 'decafluoro'?

ALLOWABLE CLAIMS

7. Claims 1-7, 12-25, 28, and 30-50 are allowable over the prior art of record.

COMMENTS/NOTES

8. It is respectfully suggested that Applicant reviews all of the variables containing Markush terminology and insert the term 'or' before the last group in the Markush groupings. For example, insert 'or' at the end of claim 9, line 48; claim 11, at the end of

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line 20; claim 14, at the end of line 6; claim 16, line 8; claim 19, line 4; claim 25, line 9; claim 26, lines 20 and 52; claim 29, line 14; and claim 30, line 76.

Note: Please review all of the pending claims for the Markush terminology because the Examiner has not listed all of the claims wherein 'or' should be inserted.

9. It should be noted that no prior art has been cited against the instant invention. In particular, the instant invention is distinguished over the prior art of record because the prior art neither anticipates nor renders obvious a method of magnetic resonance imaging of intravascular thrombi as set forth in independent claim 1.

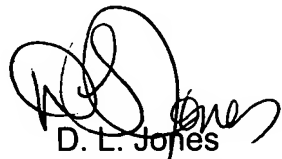
10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to D. L. Jones whose telephone number is (571) 272-0617. The examiner can normally be reached on Mon.-Fri., 6:45 a.m. - 3:15 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Hartley can be reached on (571) 272-0616. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic

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Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



D. L. Jones
Primary Examiner
Art Unit 1618

May 25, 2007